

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROSE MARION HERRING,

Claimant,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

Respondent

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Case No.: 5:07-cv-279 (CAR)

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 22] to affirm the Commissioner's denial of Claimant's claim for benefits under the Social Security Act, 42 U.S.C. § 423. Claimant has filed an Objection to the Recommendation [Doc. 23]. Having considered Claimant's Objections and having investigated those matters *de novo*, this Court agrees with the findings and conclusions of the United States Magistrate Judge. Therefore, the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

In her Objection, Claimant contends that the ALJ's finding that she is capable of performing light work is unsupported by any evidence. The ALJ premised his decision, in part, on the testimony of a Vocational Expert who testified about the sort of work Claimant could perform as well as the availability of such work in the local and national economy. As such, it is clear that the ALJ's finding is supported by substantial evidence. Thus, after consideration of all such evidence, this Court agrees with the Magistrate Judge that there is substantial evidence to uphold the

Commissioner's decision to deny Claimant disability benefits.

SO ORDERED, this 30th day of March, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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